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Attorneys for Defendants
THE HOME DEPOT, INC. and HOME DEPOT
U.S.A., INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SHONNA EARLS and JOHN HOLT, SR.,
on behalf of themselves and all others
similarly situated

Plaintiffs,

v.

THE HOME DEPOT, INC. and HOME
DEPOT U.S.A., INC.,

Defendants.

Case No. 3:14-CV-4315-RS

**STIPULATION AND ~~PROPOSED~~
ORDER FURTHER EXTENDING
DEFENDANTS' DEADLINE TO RESPOND
TO COMPLAINT**

1 WHEREAS, the above-captioned action is one of over forty putative class actions that
2 have been filed in federal court in connection with a criminal intrusion into Home Depot's
3 payment data system;

4 WHEREAS, on September 15, 2014, John Solak and Dennis O'Rourke—plaintiffs in
5 *Solak v. The Home Depot, Inc.*, No. 14-cv-02856-WSD (N.D. Ga.) ("*Solak*"), an earlier-filed
6 putative class action, filed a Motion for Consolidation and Transfer Under 28 U.S.C. § 1407 with
7 the Judicial Panel on Multi-District Litigation (the "MDL Panel");

8 WHEREAS, on September 19, 2014, the *Solak* plaintiffs filed an Amended Motion for
9 Consolidation and Transfer with the MDL Panel, seeking to have ten other actions consolidated
10 with the *Solak* case and transferred to the Northern District of Georgia;

11 WHEREAS, on September 26, 2014, the *Solak* plaintiffs filed a Notice of Related Actions
12 with the MDL Panel that listed this action as a related action;

13 WHEREAS, on October 21, 2014, the Court entered a stipulated order extending
14 Defendants' deadline to respond to Plaintiffs' complaint in this case through and including
15 December 19, 2014 in light of the pending motion for consolidation and transfer;

16 WHEREAS, on December 11, 2014, the MDL Panel granted the *Solak* plaintiffs' motion
17 for consolidation and transfer and entered an order consolidating eleven putative class actions
18 against Home Depot and transferring them to the Northern District of Georgia before Chief Judge
19 Thomas W. Thrash, Jr. ;

20 WHEREAS, on December 12, 2014, the MDL Panel entered a conditional transfer order
21 transferring this case to the Northern District of Georgia (the "Conditional Transfer Order");

22 WHEREAS, under JPML Rule 7.1, the Conditional Transfer Order will become effective
23 on December 19, 2014 if no opposition to the order is filed;

24 NOW THEREFORE, Plaintiffs and Defendants by and through their counsel of record,
25 hereby stipulate and agree, subject to approval of the Court, that all proceedings in this case,
26 including Defendants' obligation to respond to the complaint shall be stayed pending the
27 resolution of any opposition to the Conditional Transfer Order, or in the event no opposition is
28 filed, pending further order of the transferee court. Should the Conditional Transfer Order not

1 take effect the parties will promptly notify this Court.

2
3 Dated: December 16, 2014

GIRARD GIBBS LLP

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5 By: /s/ Matthew B. George
Eric H. Gibbs
Matthew B. George
6 Jennifer L. McIntosh

7
8 Attorneys for Plaintiffs
SHONNA EARLS and JOHN HOLT, SR.

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10 Dated: December 16, 2014

KING & SPALDING LLP

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12 By: /s/ Cheryl A. Sabnis
Cheryl A. Sabnis

13 Attorneys for Defendants
14 THE HOME DEPOT, INC. and HOME DEPOT
U.S.A., INC.

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16 PURSUANT TO STIPULATION, IT IS SO ORDERED.

17 All proceedings in this case, including Defendants' deadline to respond to the complaint,
18 shall be stayed pending the resolution of any opposition to the Conditional Transfer Order, or in
19 the event no opposition is filed, pending further order of the transferee court.

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21 Dated: 12/17, 2014

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Hon. Richard Seeborg
23 Judge, U.S. District Court
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